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Tribute to Professor Calvin William Sharpe

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and dispute resolution is an optimistic yet sophisticated view of humanity and of the necessity for resolving conflicts in a way that allows “people of fundamentally differing views”⁷ to respect each other despite their disagreements.

These biographical details suggest Calvin Sharpe’s extraordinary range of interests and experience, but those represent only a small part of his contributions to the law school. Beyond his high profile in the academy, in the nation, and around the world, Calvin has always been a source of wisdom and good counsel. He has been a generous friend and colleague on whom we could always count to find a sensible path through difficult terrain.

How someone deals with adversity can be very revealing, and Calvin Sharpe has taught us all some important lessons in recent years. Health problems gradually robbed him of the ability to speak, but he has faced these challenges with courage and grace. We will miss this extraordinary person who has meant so much to so many. Words are inadequate to thank him for everything he has done for us. Those of us who have been privileged to work with Calvin as a colleague and to count him as a friend wish him, his beloved Jan, and the rest of the family only the best in his retirement.

Douglas E. Ray†

I have known Calvin Sharpe and admired his work and character for over twenty-five years. It is my privilege to be his friend and an honor for me to be part of this tribute.

As someone who has now been the dean of three law schools, I have formed an opinion on the attributes of an ideal faculty member. Calvin Sharpe is that person. He is an expert, has a national and international reputation for excellence, has an agenda to make the world a better place, is an insightful teacher and clear communicator, and is a caring and trusted human being.

As a fellow labor lawyer, labor law writer, and labor arbitrator, I know just how great an impact Calvin has had on the law of labor relations. His work as a federal clerk, a lawyer in private practice, and an NLRB trial attorney who worked on some of the most formative cases of modern labor law prepared him well for his career as an outstanding teacher and scholar in the fields of evidence, labor law, employment law, and dispute resolution. After becoming a law

7. *Lochner v. New York*, 198 U.S. 45, 76 (1905) (Holmes, J., dissenting).

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professor and an established scholar, he continued to expand his knowledge base and his expertise by becoming a part-time labor arbitrator and mediator, an experience that furthered his interest, insights, and skills in the art of dispute resolution. Labor arbitrators resolve workplace disputes that involve some of the most pressing societal issues of our time, including health care, sexual harassment, discrimination, drug and alcohol problems, plant shutdowns, and major layoffs. Labor arbitrators are trusted not only to provide clear and final answers to contract disputes but also to do so in a way that helps labor and management parties restore and maintain productive working relationships for the future. Calvin Sharpe became a master of this art and one of the nation's most sought-after and trusted arbitrators, being selected to handle disputes in major industries, the public sector, and the sports industry—including the National Football League and the National Basketball Association.

These experiences gave Calvin a solid foundation and insights that further informed his teaching and scholarship. He is co-author of two books. The most recent, the nation's first text on international labor law, *International Labor Law: Cases and Materials on Worker Rights in the Global Economy*,¹ deals with transnational labor law—the labor laws meant to apply across borders. It covers human rights; the labor obligations and responsibilities set by international and regional trade organizations and negotiated in international trade agreements; and such things as international corporate codes of business conduct. This book is used in law school courses; beyond the law school by teachers of human rights, international affairs, and global business; and by practitioners in the growing fields of international labor and employment law and business. Attorneys, employment professionals, trade union officers, policy makers in government and nongovernmental organizations, and those involved in international business all find it an important resource. Less recently, Calvin, Professor Robert Strassfeld, and I co-wrote *Understanding Labor Law*,² a comprehensive student treatise. Used in law schools as either a supplementary treatise or a primary course book, it also serves as an important resource to practitioners. Through working on this book with Calvin, I came to appreciate just how thoughtful, insightful, and brilliant he is.

Professor Sharpe's over forty other publications have made him a leading authority and include many book chapters and dozens of thoughtful and provocative law review articles on evidence,

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1. JAMES ATLESON, LANCE COMPA, KERRY RITTICH, CALVIN WILLIAM SHARPE & MARLEY S. WEISS, *INTERNATIONAL LABOR LAW: CASES AND MATERIALS ON WORKERS' RIGHTS IN THE GLOBAL ECONOMY* (2008).
 2. DOUGLAS E. RAY, CALVIN WILLIAM SHARPE & ROBERT N. STRASSFELD, *UNDERSTANDING LABOR LAW* (3d ed. 2011).

employment law, labor arbitration, dispute resolution, and labor law. His works have been relied on by scholars as well as by federal and state courts. Typical of the response to his work is a reference in an article by Professor Dennis Nolan, who later served as President of the National Academy of Arbitrators. He described Professor Sharpe's *Hastings Law Journal* article on court review of statutory arbitration awards as the most thorough and insightful in the field.³ Professor Sharpe's work is an important resource to all of us who teach or practice in the labor and employment field.

In addition, Professor Sharpe's published labor arbitration opinions, which number more than forty, serve as guides to the industrial relations community due to their clarity and insightfulness. Professor Calvin Sharpe's education, experience, and scholarship have made him a leading expert in our field.

Professor Sharpe's reputation for excellence is beyond dispute. He has been sought after nationally and internationally to speak and teach. He has made presentations at conferences and symposia from coast to coast, and, in 1998, he was part of a select delegation from the National Academy of Arbitrators invited to South Africa to help that country develop its labor law system. In the years that followed, he became an important resource to that country.

Professor Sharpe is not only regarded as a leading speaker and authority by professional groups, legal publishers, and law reviews—the world of legal academics has recognized his excellence as well. After beginning his teaching career at the University of Virginia and then coming to Case Western Reserve University, he was sought out to serve as a visiting professor at several law schools including the University of Minnesota, George Washington University, Arizona State, Seton Hall, DePaul, Chicago-Kent, and Rutgers-Newark, where he was the Justice William J. Brennan Distinguished Visiting Professor. In each of these appointments, he enhanced the reputation of Case Western and made friends for the law school. Among other honors in legal education, he chaired the Evidence Section of the American Association of Law Schools and was chosen to be a member of the Labor Law Group, a select group of labor law professors who write books and put on programs to promote teaching and further understanding of labor law.

As a fellow member of the National Academy of Arbitrators and a former labor arbitrator, I am especially familiar with Professor Sharpe's reputation and stature in the labor and dispute resolution community. For many labor arbitrators, achieving membership in the National Academy, the premier organization of labor arbitrators, is the pinnacle of a career. Arbitrators are voted into membership only

3. Dennis R. Nolan, *Employment Arbitration After Circuit City*, 41 BRANDEIS L.J. 853, 889 n.154 (2003).

after establishing a substantial track record of successful dispute resolution and, in the case of faculty, also publishing works of significance. Professor Sharpe has been a Member since 1991 and has been frequently invited to make presentations at the Academy's annual meetings. The Academy so respects him that he was elected to its Board of Governors and served as Vice President of the organization. His published arbitration opinions are often quoted by other arbitrators and, when the members of the Academy decided to publish a book setting out the standards of our decision-making processes, *The Common Law of the Workplace* (BNA),⁴ they chose Calvin Sharpe, as one of the most respected in the Academy, to write a chapter. This book has become the guidebook for our entire system of labor management dispute resolution.

Professor Sharpe has a similarly stellar reputation in other dispute resolution fora. As a member of the Industrial Relations Research Association, he was chosen as the first chair of its Labor and Employment Section and he served on the executive board of the International Society for Labor and Social Security Law. Unions, too, have recognized his peacemaking skills and judgment as evidenced by his appointment to the UAW International Public Review Board—the public panel of national experts that hears charges brought by union members against the Union.

As Director of Case Western's Center for Interdisciplinary Study of Conflict and Dispute Resolution, he sponsored symposia and programs of study that focused the tools of psychology, sociology, anthropology, biology, philosophy, medicine, economics, and religion on the issue of how to better teach lawyers and nations to resolve disputes without violence, conflict, or destructive litigation. With the foundation of lessons learned in U.S. labor law, his teaching and scholarship evolved into a study of justice and peacemaking. His work became international in scope with study of the role of reconciliation and restorative justice. Professor Sharpe's values and his deep caring about humanity motivated him to forge new pathways in our understanding of dispute resolution and ways to make it more effective—he is a peacemaker and a teacher of peacemakers. The world needs both.

Calvin's values, commitment, and level of care have made him a wonderful asset to his colleagues and students and a mentor to many of us. Although this is a retirement tribute, I know that Calvin Sharpe has many more contributions to make. His contributions to our understanding of dispute resolution and the meaning of justice

4. Calvin William Sharpe, *Seniority, in* THE COMMON LAW OF THE WORKPLACE: THE VIEWS OF ARBITRATORS 133 (Theodore J. St. Antoine ed., 2d ed. 2005).

have only just begun. I value his friendship and look forward to learning more from him in the years to come.

Robert N. Strassfeld

The retirement of my colleague, teacher, friend, and co-author Calvin William Sharpe saddens me. While I anticipate continued conversations on subjects of mutual interest, I know that those exchanges will be fewer and almost always from a distance. My sadness is all the more profound because health challenges have hastened Calvin's retirement, and I wish him the best in meeting those challenges.

Though otherwise an unhappy occasion, Calvin's retirement has afforded me the joy of rereading a number of his most important labor law articles. Reacquainting myself with these articles truly is a pleasure. I have the joy of rediscovering the powerful argument here, the paragraph constructed with both verve and crystalline clarity there. Even after those instances of disagreement over legal analysis or policy implications, I find myself getting up from my reading with a smile on my face.

Some of my pleasure might be characterized as nostalgic, reencounters with something enjoyable from my past. A second, unanticipated pleasure comes from the experience of looking at Calvin's work as a more integrated whole. Doing so has deepened my understanding of Calvin's beliefs, passions, and character, which has lessened my feelings of sadness and loss.

In several of his articles, Calvin focuses on how we might manage conflict to allow resolution with minimal cost and damage, while safeguarding fairness and other societal values. In both *NLRB Deferral to Grievance-Arbitration: A General Theory*¹ and *Integrity Review of Statutory Arbitration Awards*,² he considers, in two different contexts, how best to balance a preference for arbitration over litigation to resolve workplace disputes against a concern that an arbitrator may disregard important statutory rights. Regarding NLRB deferral to arbitration, he concludes that with a minimal amount of tweaking, the National Labor Relations Board has established appropriate rules governing when it will defer to arbitration notwithstanding important statutory interests that are at stake in the

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1. Calvin William Sharpe, *NLRB Deferral to Grievance-Arbitration: A General Theory*, 48 OHIO ST. L.J. 595 (1987) [hereinafter Sharpe, *NLRB*].
2. Calvin William Sharpe, *Integrity Review of Statutory Arbitration Awards*, 54 HASTINGS L.J. 311 (2003) [hereinafter Sharpe, *Integrity Review*].